

COBBETT'S WEEKLY POLITICAL REGISTER.

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SUMMARY OF POLITICS.

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LORD COCHRANE.—I have inserted below, an Address of the Inhabitants of the town of Paisley, in Scotland, to the Electors of Westminster; also an Address from the same persons to Lord Cochrane; both of which appear to have been agreed upon at a Meeting held at that place, on the 5th instant, for the purpose of celebrating the triumph over corruption, lately obtained by his Lordship.—In coming forward as the *first* in this patriotic cause, the inhabitants of Paisley have shewn an independence of mind, which, I would fain hope, will have the immediate effect of inducing others to imitate so proud an example. The Electors of Westminster have undoubtedly “had many struggles with corruption,” and I cordially agree with their friendly addressers, that, notwithstanding all the triumphs which they have obtained over this hydra, they have “in this last instance, if possible, surpassed themselves.”—But, if while they “have appeared as the focus of justice,” if, while “it has been their prerogative to give the public feeling effect,” this public do not, like the inhabitants of Paisley, receive the impulse, and *re-echo* a kindred feeling, it will be in vain, it will be of no avail, it will tend to nothing, should the Electors of Westminster *every day in the year* give proofs of their patriotism, similar to what they have given in the case of Lord Cochrane. It is true, that corruption trembles, that it stands aghast, when it hears the voice of truth issue from the Hustings of Palace-Yard, and of Covent-Garden. But then this effect is produced only because the voice is near; because the bold and constitutional language is uttered in the *very teeth* of corruption. The effect has hitherto been merely momentary. The spirited remonstrances of genuine patriotism; the animated and eloquent harangues, in support of our constitutional rights, which have so frequently enraptured the Electors of Westminster, and called forth their loudest plaudits;

the persevering and undaunted efforts which have been so often made by these tried orators “to save a sinking land;” all have proved unavailing; all have failed in resisting the mighty torrent, because none of these struggles to obtain the great object in view, have been seconded in a way equal to what its importance demands. Symptoms of an indication to support the great cause of Reform, have sometimes, I allow, shewn themselves in other places; but these have been so partial, and so short-lived, that, instead of malice and injustice being thereby intimidated, they have become ten times more daring in their unblushing career; and the strong hold of corruption has at last become so formidable, that nothing short of the reiterated remonstrances of almost a whole people can induce its partizans to abandon any of their destructive projects. Much as has been done in the case of Lord Cochrane, through the courageous efforts of Sir Francis Burdett, seconded by the no less fearless conduct of his worthy constituents. Great, I say, as has been the triumph thus obtained over the enemies of public freedom, it is still strongly impressed upon my mind, that enough has not been done for the cause of JUSTICE. If Lord Cochrane was *guilty* of the offence for which he was indicted, I admit that he is suffering *justly*; but if he was *not* guilty; if it now appears, that the verdict returned against him proceeded upon a *defect* in the evidence; if it has been clearly ascertained that he would have been entitled to an *acquittal* upon other evidence, which was improperly kept back on the trial; then, I say, that his present imprisonment is *contrary* to all idea that I can form of *justice*. Now, how does the fact stand? My Lord Cochrane offered to *prove* his innocence, if he was allowed a new trial; but this was refused, on the ground that it was contrary to a rule of Court. Well, then, his Lordship had no alternative but to appeal to Parliament, who, *as the guardians of the law*, it was naturally to be expected, would correct the application of any regula-

lation of our Courts, which evidently tended to promote *injustice*! But, here, again Lord Cochrane was disappointed. His renewed offer to establish his *entire innocence*, was met, *not* by a counter proposal to *prove his guilt*, but by a standing order of the House, that the verdict of "guilty" was sufficient of itself, not only to justify his expulsion, but, to warrant a *refusal* of all further legal investigation in his case. This, I believe, it will be allowed on all hands, is an exact statement of facts. But although Lord Cochrane was refused a new trial by the Judge that condemned him, and although all further enquiry was denied him in the House of Commons, this could not prevent his constituents from taking up his cause, nor from examining his Lordship's proofs. Neither could it prevent them from pronouncing an unanimous verdict of *Not Guilty*, as the result of that examination. Nor has this declaration of Lord Cochrane's *perfect innocence* been confined to the Electors of Westminster. It is a sentiment which pervades the whole country, and amongst all classes, except those (thank God they are few) who are either naturally malicious, or interested in the degradation of his Lordship.—In such circumstances, what does reason say? what does common sense dictate? Why, that Lord Cochrane, being innocent in the eyes of nearly the whole population of Great Britain, is entitled to be relieved of *all and every part* of the sentence passed upon him. It is not of the pillory, or of the fine, or of any one particular, of which he has a right to complain more than another: He is *entirely* innocent, and therefore, until the sentence is *entirely* revoked, he ought not, and cannot be satisfied.—Every moment he is deprived of his liberty is a real punishment, and that punishment he is suffering *contrary to justice*, because he is suffering for a crime which he *did not* commit. But his Lordship, we are told, must continue in prison in virtue of the *law*. This is as much as to say, that law and justice are *contrary to each other*. Did not the law, however, *originate* with the people? Are not the people the *source* of all judicial authority? And have they not a right to remonstrate against every undue and rigorous exercise of the law?—These are propositions which cannot be disputed. Yet, although but one opinion prevails as to the innocence of Lord Cochrane; although no one attempts to conceal his indignation at the

treatment his Lordship has received; it is strange, it is unaccountable, that no measures have been adopted to obtain his release from prison. It has been seen, that he will never condescend to ask for mercy; that his noble and exalted mind will not allow him to stoop to solicit any boon.—But why should this resolution on the part of Lord Cochrane, deter his constituents from doing this for him? Why should they, or the country at large, permit any individual to remain in prison, even for one hour, of whose innocence they are fully satisfied, without *attempting*, at least, to effect his liberty by means which are perfectly constitutional, and which can be so easily resorted to? If the case of a *private* individual, placed in these circumstances, ought to arouse public attention, how much more forcibly does the case of Lord Cochrane call for public interference. As a member of parliament, duly returned, it is for the *honour* of the House that the stigma, which has been attempted to be fixed upon his Lordship, should be instantly wiped away by his liberation. It is for the *honour* of the Electors of Westminster, that none of their Representatives should be placed in a *degraded* situation, and, where this has been aimed at, that they should be prompt in the exercise of their privileges, to rescue him from it. It is for the *honour* of the navy, whose rights Lord Cochrane has so often, and so manfully maintained, that he should be released from his present bondage; and it is for the *honour* of the nation, whose battles he has fought with so much success, and for whom he purchased, at the constant risk of his life, more glory, during his short career of victory, than any naval hero that preceded him. Is it such a man as this? is the rival in fame of the immortal Nelson, to be rewarded for his deeds of valour, by being shut up in the gloomy recesses of a prison? Are the people of England become so insensible of their own wrongs? Are they really so callous, so indifferent as to the contumely which has been heaped upon one of their best and bravest warriors, that they permit him, *though innocent*, to waste his precious hours in so shameful an abstraction from his public duty, and from all the comforts of life? No; the people of England may now be *less active* than they were formerly in asserting their rights; but they are not the less *just*. All they require is to be put in the way of doing what is right; all



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they need is an example set before them, to guide their conduct. Too much praise cannot be given to the Electors of Westminster, for their fearless and upright conduct on every occasion where they could, with propriety, assert the rights of the country; and, as justly remarked in the following Address, they have in this last instance, if possible, surpassed themselves. Still, it appears to me, that something remains for them to perform. To them, in a peculiar manner, it belongs to petition the Throne in behalf of Lord Cochrane, and to urge his entire innocence as the ground, the only ground, why they demand his liberty. Upon them it seems incumbent to give this glorious example to their country. They are well aware of the effect such examples have had on former occasions. In a case like this, where every plea that justice, that gratitude, that humanity can dictate, so powerfully unite, it is scarcely possible to entertain a doubt, that the result would be as favourable as the most sanguine friends of Lord Cochrane could wish. Let, then, the Electors of Westminster follow that line of conduct so clearly marked out by their duty, and by the extraordinary circumstances of the case. Let them be persuaded not to weary in well doing. Let the high opinion so often expressed in their favour, by the country at large, for their unwearied exertions in the cause of freedom, stimulate them to new endeavours; and let them be assured, that they will again meet their reward, not only in the applause of their countrymen, but in the consciousness of having performed a disinterested, a just, and a benevolent act. The Electors of Westminster have unequivocally pronounced Lord Cochrane INNOCENT. It only remains for them to get him cleared of the *punishment of guilt.*

Canal-Street, Paisley, Aug. 18th, 1814.

SIR,—By inserting the following Address to Lord Cochrane and the Electors of Westminster, you will oblige your readers in this place.—Accustomed as we have been to the arts of the abettors of corruption, it is with a mixture of pity and contempt we have witnessed the eagerness with which they have endeavoured to heap every sort of contumely upon Lord Cochrane's head. Thanks to his numerous

friends, they have in this instance been wretchedly disappointed: and though he has been stripped of those honours which “the breath of kings can bestow,” he still retains what they have not the power to give or take away—the applause and admiration of his grateful countrymen.—Yours with great respect,

JOHN McNAUGHT.

W. Cobbett, Esq.

At a Meeting of a number of Inhabitants of Paisley, in the Salutation Inn, upon August 5th, 1814, for the purpose of celebrating the triumph of Lord Cochrane, the following Address to the Electors of Westminster, and to Lord Cochrane, was agreed to:—

TO THE ELECTORS OF WESTMINSTER.

GENTLEMEN—The times in which we live have been denominated a new æra. They have produced so many extraordinary and marvellous events, that we cannot help thinking the designation just; but such has been their effect on the Public mind, that we almost cease to wonder at any thing however extraordinary. Were it not for this apathy, this callous effect, scarcely any thing in modern times would have made a deeper impression than the trial and condemnation of your Representative, Lord Cochrane. In spite, however, of this disadvantage, we rejoice to find that this event has produced the very impression it ought to have made; it has produced an impression at once calculated to confound the malice of his enemies, to cheer the heart of every patriot, and to cherish that spirit of justice and independence which has long been dear to every Briton. Allow us, therefore, to congratulate you and our country, on the signal triumph which justice has obtained in your re-election of Lord Cochrane—an election which could only proceed from a universal consciousness of the innocence of his Lordship, and which has placed that innocence on an immoveable foundation. You have had many struggles with corruption, in all of which you have appeared as illustrious examples to mankind. In this last instance, you have, if possible, surpassed yourselves; you have appeared as the focus of justice; it has been your prerogative to give the Public feeling effect:

We would by no means be understood to insinuate any thing to the prejudice of the Jury that tried his Lordship. Trial by Jury we hold so sacred and invaluable, that we deprecate any reflection that would seem to throw a shade on so glorious an institution; but we may freely observe, that, like every other human institution, it

must be liable to abuse. We can easily imagine, that a Jury may be placed in such circumstances as to be rendered absolutely incapable of knowing the truth; a villainous arrangement of the evidence to be produced, a malicious and undue influence on the part of the Judge, &c. may deceive a Jury, and produce as much evil, under the forms of law, as private vengeance could inflict. But while it is said that Lord Cochrane was tried and condemned by a Special Jury, it will also be said, he was tried by the Electors of Westminster; he was tried by his country, and acquitted.

We conclude by expressing our hope, that whenever the Hydra of Corruption shall put forth her head, you will be found at your posts, ready to strike it off, or to inflict a mortal wound; the times are still ominous, and the nation has its eyes fixed on you; we trust that you will not relax in your vigilance, till malice and injustice hide their diminished heads, and innocence no longer find its only solace in heart corroding grief.

We are, Gentlemen, with the utmost respect,
yours, &c. &c. JOHN M'NAUGHT, Chairman.

TO LORD COCHRANE.

MY LORD—There is such a dissonance between conscious innocence and imputed guilt, that an upright mind must necessarily be confounded on receiving an atrocious charge; and even when the falsehood of the charge is made apparent, the recollection of it is often so bitter, and its consequences so injurious, as almost to equal the pangs and the deserved punishment of real guilt. Your case, my Lord, is one of a singular complexion. Trained in the paths of honour; habituated to patriotic deeds and high exploits; and possessing, in an eminent degree, that noble disinterestedness, that open frankness, peculiar to a naval life; to you the recent charge must have been extremely galling. Convinced of your innocence, permit us to approach your Lordship to express the interest we have taken in that extraordinary affair. When the charge was first preferred, we considered its improbability so great as to require the strongest evidence to make it good. We rejoice to find such evidence was wanting; nay, more, the lofty spirit of independence; the keen sense of honour which you manifested throughout the whole affair; your astonishing Address before the House of Commons, and subsequent illustrations, have destroyed every vestige of guilt, and placed your Lordship's innocence in the most advantageous point of view. The universal sentiment in your favour, but especially the admi-

nable conduct of the Electors of Westminster, have raised you to a higher eminence than that from which you had fallen. You were, indeed, guilty of a crime—a crime unpardonable in the eyes of corruption; you had dictated energy and efficiency to warlike measures; you sought the glory and happiness of your country; you sought for justice to your associates in war; was it then to be wondered at, that malice should make you a favourite mark?—No, my Lord; but, thanks to this enlightened age, her shafts have been diverted in their course, and by their obliquity have centered in herself.

My Lord, allow us to conclude, by expressing our confidence, that the circumstances which have called forth this Address will, if possible, strengthen your habits and elevate your patriotic views, that when the time arrives for resuming your public functions, you will be found the same intrepid, fearless champion of public and private right you have ever been.

Accept, my Lord, the assurance of our regard,
JOHN M'NAUGHT, Chairman.

INNOCENCE OF LORD COCHRANE.

SIR,—I think Lord Cochrane has now nearly established his innocence, or rather *disproved* his guilt. He has shewn, 1st, by the evidence of a person hostile to him, viz. De Berenger, that he had no direct participation with the said De Berenger in the plot; 2dly, he has shewn, partly by the evidence of persons also hostile to him, viz. his Solicitors, that De Berenger changed his dress before he entered his (Lord Cochrane's) house; and, 3dly, that, if De Berenger thought it necessary to deceive Lord Cochrane, *he did not believe* him to be in the plot. Strong circumstances, you will say, when a man is obliged to prove his innocence. J. B.

22d Aug. 1814.

CAPITAL PUNISHMENTS.

MR. COBBETT,—When I addressed you so very lately upon this subject, it was not my intention to trouble you so soon with another letter. A circumstance, however, of considerable importance, has occurred, which I hope will plead in behalf of this communication. In my last, I remarked upon the too common practice of public executions, that they never failed “to harrow up the feelings of the virtuous;” and, as a proof of this, I referred to a case, mentioned in the *Courier*, of a man who was recently executed at *Devon*, who on the same morning had cut his throat, and when he was “turned off,

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the blood gushed from the wound, flowed over his body and arms, which rendered it a shocking sight to the spectators."—Appalling as this scene must have been to all who witnessed it, and distressing as it was to me who merely read the account of it, figure, if you can, what must have been the feelings of those who were present on Monday last, at the Old Bailey, and saw the poor *maniac* launched into eternity "with all his sins upon his head."—After mentioning some particulars respecting the other five unfortunate victims, (one of whom named *Maroney*, sufficiently verified the phrase, "that he was determined to make his exit as became a man,") the account of this awful affair, which I also found in the *Courier* of that evening, proceeds thus:—"The most painful part is to record the behaviour of the unfortunate *Ashton*, who has been in a temporary state of insanity since the receipt of the awful warrant for his execution. While in the press-yard, he distorted his countenance horribly. He was the fifth who mounted the scaffold, and he appeared anxious to do so; he ran up the steps from the Debtors' door with great rapidity; and having gained the summit of the platform, began to kick and dance, and often exclaimed, "I'm Lord Wellington." The Rev. Mr. Cotton, who officiated for the first time as Ordinary, enjoined him to prayer, while the executioner was performing his office, to which, however, he paid but little attention, and continued to clap his hands as far as he was permitted by the extent of the cord. Mitchell was next to him, and often invited him to prayer. All that could be done was ineffectual, and it was deemed necessary to have two men, who held him during the awful ceremony.—When they released him for the purpose of the Lord's Prayer being said, he turned round and round, and began to dance, and often vociferated, "Look at me, I'm Lord Wellington." The dreadful state in which he appeared, induced Mr. Smith, the Under Sheriff, to request the Ordinary to dispense with the formality of ceremony, and to give the usual signal for their being launched into eternity. At 20 minutes past eight o'clock, the signal was given, and the platform fell. Scarcely, however, had the sufferers dropt, before, to the awe and astonishment of every beholder, *Ashton* rebounded from the rope, and was instantaneously seen dancing near the Ordinary, and crying out very loudly, and apparently

unhurt, "What do you think of me; am I not Lord Wellington now." He then danced, clapped his hands, and huzzaed. At length the executioner was compelled to get upon the scaffold, and to push him forcibly from the place on which he stood. He seemed to meet his fate in great agony, and died in strong convulsions."—Now, Mr. Cobbett, without saying a single word to increase the *horror* which every one must feel on a bare perusal of this statement, I should like to be informed, if the laws of this country, like the laws of the Medes and Persians, are so inflexible, so irrevocable, that even the sovereign power, the fountain of mercy, was precluded extending itself to an object that called so loudly, as in this case, for the interposition of that Godlike attribute?—I do not mean to say any thing here respecting the justice, or even the policy, of inflicting the punishment of death on account of the *crime* for which this man was condemned to suffer. But I cannot, in any possible way, separate from my mind the idea of *barbarity*, when I contemplate the fact of putting a man to death, who, it is plainly admitted, was at that moment, and had been for at least *two days before*, in a state of *mental derangement*; who had been afflicted with a malady, which rendered him *totally insensible* to the awful situation in which he stood—and was *utterly incapable* of receiving that spiritual aid, which even the law considered essential to the determining of his fate in another world. Where would have been the danger, or where the difficulty, of suspending the execution of the sentence, until it was seen whether he recovered his senses? Even had the Almighty, who deprived him of them, kept him always in that condition, what injury would society have sustained, had he never suffered the punishment awarded for his crime? It was, in fact, no punishment to the criminal to put him to death in these circumstances. On the contrary, such was the dreadful nature of his malady, that it was to him an hour of triumph and exultation; and I am persuaded there were none present who were not fully convinced, as I am, that, if ever there was an object in whose favour mercy ought to be extended, this miserable wretch was one.—There were enough of other examples before the gaping crowd; and it was surely ill-judged, by this act of severity, to familiarize the public mind to greater acts of cruelty, or inhumanity, than what usually accompany

our public executions. Perhaps, after all, no application was made, in the proper quarter, for even a temporary suspension of the sentence. It is more than probable, that no one ever felt so much interest in the wretched man's case, as to lead to a single word being uttered in his behalf.—It is not amongst jailors that we are always to look for the most brilliant examples of humanity. But as others, in whom it might be expected there was somewhat of the milk of human kindness, must have had access to the prisoners after they were informed of the warrant for their execution, it might have been expected that they would not have overlooked this man's case. Had I been the Ordinary, for instance, who attended on this occasion, I would have considered it my bounden duty, not only to have administered spiritual consolation to those who were *capable of receiving it*, but, in a special manner, to have reported the deplorable situation in which I found the unfortunate maniac.—It may be, that he did so, and that his endeavours proved unavailing. In which ever way then the fact stands; whether a man, known to be insane*, and conse-

* I am very adverse to comparisons, as they are in general considered invidious; but I cannot omit noticing here, the case of an insane person, who was condemned, by those *feeling* men called *Inquisitors*, to receive 200 lashes, and to be sent six years to the galleys, after he had lost his senses in a dungeon of the Inquisition, where he had been sent by these holy gladiators, for performing a real act of humanity. His name was Peter Herara. He had been appointed prison-keeper of the Holy Office, and his offence was the permitting a mother and her two daughters, who had been put under his charge for some supposed crime against the Church, to have half an hour's intercourse together. A few days after, these females were put to the torture, and the keeper, afraid that they might, from the severity of their sufferings, disclose what he had done, resolved to make a voluntary confession, in the expectation that he would escape the punishment, which he knew awaited him, for allowing any of the prisoners to be together, without leave from the tribunal. But mark the *tender mercies* of these pretended saints. Imprisonment in the dungeons of the Inquisition for a whole year, and six years condemnation to the galleys, was the reward of this compassionate man's reliance upon the generosity of his Judges. After he had continued a year in prison, where he became insane in consequence of ill usage, he was tied on an ass, and whipt through the public streets. In the height of his delirium, he threw himself down, and nearly killed the Officer of the Inquisition, who attended the execution of the sentence.—For this he was sentenced, by the Lords Inquisitors, to four years more in the galleys, making the period of his confinement there altogether ten years!!! Such is the way these *holy* villains reward deeds of humanity, and aggravate the sufferings of those they have already almost destroyed, through pretended zeal for religion, and the laws of their infernal order.

quently incapable of judging as to his real situation, was suffered to be put to death, in these unhappy circumstances, through the want of power in the Sovereign to shew him mercy, or from the neglect of those who had access to know his real state of mind; this occurrence gives additional strength to the many cases already in existence, which plead so powerfully in favour of a revisal of our penal code, and which, I trust, will not be lost sight of by Sir Samuel Romilly, and those who are engaged with him in endeavouring to obtain a general amelioration of our criminal laws.

Yours, &c.

BENEVOLUS.

25th August, 1814.

P.S. I find the public are not altogether inattentive to this interesting subject. The following letter appeared in the *Times* of this morning:—"SIR,—In an account of the recent execution of several unfortunate men, one of them is said to have been in a state of insanity from the time when the awful warrant for his execution was received.—The consequence of such a state of mind with respect to his behaviour at the place of execution is mentioned, as well as the difficulty of carrying into effect the sentence of the law. It is added, that 'at length the executioner was compelled to get upon the scaffold, and to push him forcibly from the place on which he stood.'—I beg leave to enquire, how far such a circumstance is consistent with the following exposition of the law by Sir Matthew Hale and Mr. Justice Blackstone:—"If after judgment passed on the prisoner for a capital offence, he becomes of nonsane memory, execution shall be stayed; for peradventure, says the humanity of the English law, had the prisoner been of sound memory, he might have alleged something in stay of judgment or execution."—A. I. I.

LIBERTY OF THE PRESS.

MR. COBBETT.—The necessity of the liberty of the press to the happiness of mankind, and the well-being of an enlightened State, no person can doubt. It is, therefore, highly desirable that some definite law, settling the limits of discussion, should be established; for unless a law be definite it must leave much to the discretion of Judges, and cannot be perfect. The formation of such a law is said to be very difficult; but still I cannot think it impracticable. To satisfy you that it is not, I send you the following "plan of a law," which will

at least, give some idea how far we may go towards settling the difference between libels and the liberty of the press.

1st. I would declare *speculative discussion* a general right; being convinced that any evil which may attend it can bear no proportion to the good. The greatest difficulty is with regard to proposals which may be made for alterations in the Constitution; such as an Elective Senate instead of a hereditary House of Peers; or the separation of Ireland from Great Britain. But even in this case, I can see no evil. If the plan is beneficial, it should be adopted—If it is not, it will not be adopted; for, setting aside the chance that truth will, among enlightened men, always preponderate, we have seen the best of plans, for instance Parliamentary Reform, long resisted, notwithstanding all the clamours of the press. How, then, shall a bad plan be adopted?

2d. I would hold that a libellous publication, which should call upon the people to rise and do any act contrary to an existing law, or in prevention of the execution of the orders of Government; such as a proclamation requiring the people to rescue any person from the officers of justice; or addressed to a regiment going on foreign service, informing them that they were to be carried to a noxious climate, and advising them to mutiny and disobey.

3d. I would distinguish between libels against Ministers or official men, and those against private individuals. With regard to characters of the former description, I consider a person who accepts an official situation in the same circumstances as an author who challenges criticism, and seeks applause at the hazard of censure. It will sometimes, indeed, happen that criticism on a public character, as well as on an author, is unfair. This is rather to be regretted, but cannot be prevented; as, among many opinions, some must always be erroneous. But it is of so much more importance that the truth, with regard to the affairs of a nation, including the happiness of millions, should be known, than that the feelings of an individual should not be hurt—that comparison is set at nought. Besides, there could be no injustice in the case. A public character would accept his office under the condition of unlimited animadversion; and if he felt it disagreeable, he could retire.

4th. With regard to official persons

charged with an act, such as putting men to death contrary to law, or without law; I would allow the publisher to prove the truth of his statement; and if he failed, punish him as a libeller.

5th. I would distinguish an official person's private, from his public character. With regard to libels against his private character, such as a charge of theft, or swindling, I would allow him the benefit of the law as applicable to private individuals.

6th. With regard to private individuals, I would allow the law to remain nearly as it is; that is, I would hold the publication of all unnecessary facts, prejudicial to a private person's character, as libellous, and that the greater truth, the greater libel. Consequently he would be entitled to prosecute for damages, or penal punishment, according to his pleasure. But I would hold justifiable, discussion, or the publication of any fact, regarding a private individual, even although prejudicial, which were necessary for the public good. I would also hold justifiable, discussion, or the publication of any fact for the benefit of any public body or institution; although injurious to a private individual; such as where the publisher were a subscriber to an hospital, and the person against whom the publication was directed, or the charge made, the physician of that hospital. I would likewise hold justifiable, the publication of fact injurious to a private individual, where the publication were necessary to self-defence. But provided always the fact stated were true.

7th. With regard to libels against foreign potentates with whom we were at peace, (for in a state of war abuse seems to be fair hostility) I would consider such potentates in precisely the same situation as one of our own Ministers (not the King, for he can do no wrong); and if they did not chuse to prosecute in our Courts, we would, supposing no alternative, go to war with them rather than renounce a right which is certainly as important as many others for which we have gone to war.

Lastly. I would legislate, that no person should beset in the pillory for a libel, nor be imprisoned more than one year, nor pay a fine of more than 500*l.* for any such offence; imprisonment for the above, or any shorter period, and fine to the above or any less amount, to be inflicted at the discretion of the Judge, or conviction by a Jury; and damages to individuals to be fixed by a

Jury according to the loss they had sustained.

The above, in my opinion, would be a moderate and equitable law, applying to every case of libel, or that should be a libel; and consequently establishing the freedom of the press on the basis of justice. I can, indeed, see but one reason against its adoption, and that is, that all improvement in politics or government is to be abhorred. I am, &c. J. D.

August 22, 1814.

THE INQUISITION.

MR. COBBETT.—It is no longer a matter of doubt, that this infernal and dread tribunal has been restored, in all the plenitude of its power, in the dominions of the Pope, in the kingdom of Spain, and in all those countries where the influence of the Catholic clergy predominates. Much has been said, and that with great truth, against that horrid traffic the Slave Trade, I cannot but express my surprise, that the re-establishment of the Inquisition in Europe, has excited no apparent indignation in the breasts of those who feel so warmly interested in the case of the injured African. I should be sorry to think that this indifference arose from antipathy to Bonaparte, who, it is well known, abolished the Inquisition in all those places to which his influence extended. I should regret extremely, if the injury Napoleon has done to the cause of liberty, should have so far influenced the friends of freedom, as to render them careless about what he accomplished in the cause of humanity. Either a feeling of this kind is now almost universal as to the cruelties and the injustice practised in the *Holy Office*, or the people of this country are totally unacquainted with the real character of that hellish tribunal, and with the number of innocent victims it has immolated on the altar of its diabolical superstition.—Inclined as I am to attribute the general apathy which prevails on this important subject, to the want of proper information respecting it, I should like to hear that some publication was in contemplation, calculated, at a cheap rate, to put the public in possession of accurate information as to an institution, the existence of which appears to me to be attended with more fatal consequences, and greater disgrace to nations, who call themselves civilized, than even the Slave Trade, infamous and cruel as that abominable traffic is allowed to be. In my enquiries into this

subject, I lately laid my hands upon a small volume, containing a variety of interesting and apparently well authenticated cases of individuals, who had suffered the most unheard of tortures in this *sanctified* office, under the pretence of zeal for religion. This volume wants the title page, but it appears to have been printed about the year 1750. It contains a particular account of the Inquisition; and the cruelties practised there are aptly illustrated by engravings; such as drawing the objects of their fury to the ceiling by a pulley, the cord tied round both hands, while a large weight is fastened to the feet; stretching out the body on a machine until the whole joints crack; burning the soles of the feet; and pouring boiling liquids down the throat—all to extort confession from the accused. Here also is a picture representing what these *sainted* barbarians call, an *act of Faith*, in which the King and Queen of Spain, surrounded by their nobles, are seen witnessing, with the greatest complacency, the tying to the stake, and burning a number of unfortunate wretches who had been doomed, after undergoing the torture, to expiate, in the flames, the crimes said to have been committed against the *holy faith*, but whose greatest guilt consisted in some trifling offence unintentionally given the blood-thirsty Monks, or in being richer than their neighbours, which, with some fanatics, is a more enormous crime than the sin against the Holy Ghost. With the view that this book may be entirely reprinted, I shall leave it with the publisher of the REGISTER. Meanwhile, I entreat your insertion of the following extract, which, as it contains an account of proceedings witnessed by the narrator, who had been *Secretary to the Inquisition*, is, I think, entitled to the greatest credit:—

“Mr. Bower (an Englishman) says, that what first occasioned him to contrive his escape from the Inquisition, was the cruelty exercised there, particularly on two gentlemen whose stories he thus relates:—Information having been given to the Inquisition at Macerata, that a gentleman had been guilty of speaking disrespectfully of their office; all imaginable diligence was used to discover him; and advertisements fixed up at Rome, and other places, describing him to be a tall black man, with an impediment in his speech.—One of their emissaries happening to be at Florence, in the public walks, met with a person whom he thought answered the

description. Accordingly he spared no pains to insinuate himself into his acquaintance; and succeeded so far, that the gentleman finding him to be a stranger, offered to show him the principal curiosities of the place; and entertained him, at his house, in a free and hospitable manner.—After some time, the stranger told him that he hoped he would suffer him to return the obligation, by accompanying him to Rome; and passing some days with him at his seat, in the neighbourhood of that city, where he found the gentleman had never yet been.—Accordingly they set out together, and instead of carrying him to any house of his own, he led him directly to the palace of the Inquisition at Macerata, where, after bringing him to the great hall, he desired him to amuse himself with the paintings there; and excuse his leaving him a little, to give the necessary orders in the house.—Whilst he was thus admiring the grandeur of the place, and suspecting, from the richness of the furniture, that he had not treated his friend with the respect that was his due he observed several persons peeping one by one at the door, and staring him full in the face.—Upon this, seeing no sign of his companion's return, he began to suspect some treachery, and was just stepping out when a person came up to him, and enquiring where he was going, told him, that nobody was suffered to depart thence: that he was now in the hall of the Inquisition, and must certainly have been guilty of some great crime, or he would not have been brought thither; so that he must take up his abode there.—Immediately he was thrust down into the dungeon; where, after being fed for a week with bread and water, he was brought up in the middle of the night, to a room hung with black, where the Council of the Inquisition was sitting (one of which was Mr. Bower himself), where he was told, by the Inquisitor General, that he must certainly have been guilty of some great offence: for the holy Inquisition never accused any one rashly, so that he must consider what it was, and impeach himself.—Upon his protesting his innocence, he was prepared for the torture, which was inflicted in this manner. The unhappy man was stripped naked, and by means of four ropes, which ran upon as many pulleys, at each corner of the room, his arms and legs were extended, within one degree of breaking; and he was laid on his back with an iron spike fixed under him.—In this condition

he lay for some time, in extreme anguish; but still refusing to accuse himself, he was remanded back to his dungeon, where he had not been long, before the Inquisition having dispatched an express to Rome, with their suspicions, that, from his resolution, and other circumstances, he could not be the man they imagined, received for answer, that they need give themselves no further trouble about him, for that they had discovered the true offender; upon which this gentleman was discharged, after they had given him an oath of secrecy. But the hardships, under which he had laboured, and the torments he had suffered, had so far deprived him of the use of his faculties, that he continued the remainder of his life senseless and distracted in the neighbourhood of Macerata.

“This, Mr. Bower says, shocked him extremely. But what determined him to leave them, when opportunity offered, was the following affair, which he relates thus:—As a nobleman (a friend of his) who was just married, was walking in his garden with his lady, two Capuchin Friars passed by with their feet and heads bare, and the mortifying garb of their order. When they were got out of hearing, he expressed, to his wife, his surprize, that any person could be so far infatuated, as to believe that such a particular dress could be meritorious in the sight of God.—Unhappily for him, he was overheard by the Friars, who made their report to the Inquisition. Mr. Bower, as one of the Inquisitors, was ordered to take a sufficient guard, which they always had in waiting, to bring his unfortunate friend before them. It would have been vain for him to have expressed the reluctance he inwardly felt; for the least signs of it might have proved fatal to himself. About the middle of the night, he and his attendants appeared before the nobleman's door; when, upon their knocking, a servant looked out of a window, and enquiring who was there, was answered, the holy Inquisition: upon this, knowing the consequence of a refusal, he hastened down, opened the door, and conducted them into the bed-chamber, where the new married couple were fast asleep.—The first who waked was the lady, who, seeing such a crew of ruffians in the room, screamed out, for which she was saluted by one of them with a blow on the face, that made the blood gush out. Mr. Bower was much enraged at this, and asking the fellow what authority he had for such an unparalleled

piece of cruelty, threatened him severely, and afterwards had him punished in an exemplary manner.—This wakened the husband, who being very much surprized at what had happened, casting his eyes on Mr. Bower, cried out, Ah, my friend, is it you! Yes, he replied, it is; and you must immediately rise and follow me. This he soon complied with. Accordingly he was conducted to the Inquisition, where he was told, he was certainly guilty of some great crime; and that he had a week given him to recollect himself what it was, and so accuse himself.—All that time he was confined in a dungeon, and fed with nothing but bread and water, in order to weaken him, and render him less able to undergo the torture.—At the end of the week he was brought, in the night, before the infernal tribunal; and so altered, that he was scarce known to be the same; and upon his declaring that he was not conscious of any thing culpable, he was led to the torture, which was thus inflicted on him.—By means of four cords, which came over four pulleys, at each corner of the room, and met in the centre, he was hoisted up to the ceiling, where, by a sudden jerk, all his bones were dislocated.—After he had hung for some time in this deplorable condition, the Inquisitor General thinking he had not yet suffered enough, commanded them to slacken the cords, in order to let him fall with a shock to the ground. This, after what had been done before, is thought to be one of the greatest torments that human nature is capable of sustaining. But when they came to inflict it, they found that the unhappy man was already dead; upon which they buried him in a private manner, and sent a note to his wife, desiring her to offer up prayers for his soul, in all the churches in Rome!

“After two such pieces of unexampled cruelty and sanctified villainy; in both of which, by virtue of his office, but in the latter more particularly, Mr. Bower had been so deeply, though reluctantly, concerned, he was determined, at all events, to make his escape from the Inquisition; being persuaded, that if he could get to England, the place of his birth, he should meet with encouragement from some of his countrymen; several of whom he had been acquainted with in their travels through Italy. He was sensible of the difficulties he had to encounter, none being suffered to stir out without leave first obtained from the Inquisitor General. To him therefore he

applied for a permission to go on a Pilgrimage to Loretto, a thing that he had hitherto long neglected.—The Inquisitor General applauded his resolution, and gave him leave; but immediately dispatched an express to Loretto, to know precisely the time he arrived there.—Accordingly Mr. Bower set out on horseback, and having armed himself with a pocket pistol, was determined, in case he found he could not otherwise escape, to dispatch himself; being persuaded that if ever suicide was excuseable, it must be in his circumstances, in order to avoid the torments, which, if he should be taken, would be inflicted on him.

“After many contests with himself, he continued firm to his original project; and with design to pursue it, crossed out of the road towards Loretto, and shaped his course not far from Switzerland; knowing that if he could but reach Bern, a Protestant Canton, he should be safe. In order to attain it, he travelled day and night upon the mountains; but at last, himself and horse growing faint, for want of sustenance, he made up to a town, which he took to be Bern; but which proved, to his great concern, to be a Popish Canton. However, he alighted at an inn, where there happened to be two men who were reading a paper, which, casting his eye upon, he found to be a description of himself; promising a great reward for apprehending him.—He endeavoured to conceal his confusion as much as he could, wiping his face with a handkerchief to prevent his being observed; till at last, one of the men asking him why he wiped his ace, as if he was afraid of being seen; desired him to read that paper, which he did, as he says, with great seeming composure.—In the mean while, one of them whispered his companion; and soon after they retired into a room together, to consult whether they should apprehend him or not, as it was a hazardous affair; it being possible that he might be a courier of the British, or some other Minister.—Mr. Bower took this opportunity to fly to his horse, which he mounted with the utmost expedition, and galloped into a neighbouring forest, where he concealed himself for some time, and afterwards pursued his journey; subsisting himself, for several days, upon nothing but what the fields and woods afforded. At last, his horse, as well as himself, being almost worn out with hunger and fatigue, happening one morning to spy a light at a

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distance, he made up to it at all events; and, upon his knocking at the door, a man looked out at the window, and of whom he enquired whether it was a Protestant country; to which he replied, Yes, thank God for it. Immediately upon hearing this joyful news, he desired him to come down and open the door; for that he was the unfortunate Bower that had escaped from the Inquisition, and was now in the utmost distress for want of rest and food. Accordingly he alighted, and was received by the landlord with the utmost hospitality; who, upon his enquiring how far it was to Bern, informed him about two miles: and offered himself for his guide.—Upon his arrival at Bern, he was advised, in order to avoid several Popish countries, to take shipping on the Rhine, as far as Strasburg. He embarked therefore on that river; and one of his companions in the vessel happened to be a Jesuit, who not knowing him, entered into discourse with him about his own escape from the Inquisition.—When they were got pretty near to Strasburg the ship bulged upon a rock, so that they with great difficulty escaped to shore, where Mr. Bower immediately took post horses for Calais. No sooner was he arrived there, and alighted at the Inn, than he saw on the gate advertisements describing him, and promising a reward for apprehending him. This made him resolve to depart as soon as possible; so that he went down to the shore in order to see if there was any vessel ready to sail for England; but to his great mortification found none; and the wind being high, could not prevail with any to put to sea. At last, for a considerable sum of money, he engaged some fishermen to carry him over. Scarce had they set sail, but the waves ran so high, that the men declared it impossible to succeed, for that no boat could live. In vain he offered them all he was worth, in case they would venture; but all their reply was, that he certainly must have been guilty of some very great crime, to attempt to run so great a hazard. Accordingly they put back, and landed him again.—But instead of going to the same inn, he went to another; where, thinking he heard in the next room the voice of some English gentlemen, he determined to discover himself to them, being of opinion, that no persons so merry and cheerful as they appeared to be, could harbour any ill will against him.—Animated by these reflexions, he knocked at the door;

and to his great satisfaction, the first that came to him was Lord Baltimore, with whom he had before some small acquaintance. His Lordship was much surprized at seeing him there, but told him that he had no time to lose, for that strict search had been made after him, and spies planted about every person that went for England. In short, he accompanied him to the sea shore, and offered him his own yacht to carry him over, in which he immediately embarked, and soon landed safe at Dover.—The next day Mr. Bower was much surprized with a letter brought in, directed to him; but much more when upon opening it, he found it came from the Inquisitor General; with promises of great honour and rewards, in case he would return to the Inquisition.—This, it seems, being left undirected, was ordered to be delivered to him, as soon as it was certainly known that he was arrived in England; but upon his enquiry for the person who brought it, nobody could tell what was become of him. However, he had seen too much already to rely on what they promised, and contented himself with expressing his gratitude to God for happily escaping out of their clutches, and safely arriving in a free and Protestant country.”

If not inconsistent, Mr. Cobbett, with your plan, and no early account appears of this disgraceful and worse than savage Institution, I shall take the liberty of sending you some additional facts respecting it.

I am, &c.

AN OBSERVER.

CORN LAWS.—I have received a Letter on this fertile subject from Mr. Brand, Member of Parliament for Hertfordshire, which, as it is printed, he probably intends for publication.—He appears to have paid considerable attention to the subject, though I have only been able to glance his letter slightly over. I shall, however, give some extracts from it:—

“Corn Laws (says Mr. Brand) can be contemplated by a Statesman but in one point of view. They are mischievous, and in every way impolitic, if they produce any other effect than that of securing a certain, constant, abundant, and therefore cheap, supply of bread corn to the population of a country. No partial interests ought to be admitted into the consideration of their policy or propriety. The claims of landlord or tenant, of manufacturing or agricultural interests, are to be considered but as those of *integral* parts of the entire

community which is to receive supply. The landlord and tenant ought to be identified—in other words, the argument upon the expediency or in expediency of Corn Laws, ought to be conducted in the same manner as if every occupier were possessed of the freehold of his occupation. Omitting then all interests, except those of the consumer, the question is brought within a very narrow range. All agree in the importance of securing a supply of bread corn at a moderate and steady price, and of guarding (so far as human care can guard) against the recurrence of that enormous and distressing increase of price, which has twice, at least, within the last fifteen years, arisen from unfavourable seasons—the inquiry is, how this may best be effected; and that question resolves itself into the following points.—In the first place we must determine under what degree of encouragement, at what remunerating price to the grower of corn, the internal supply can be insured. In the next place we have to consider, whether the foreigner can, and if he can, at what price *he will*, fill up that deficiency of supply, which must be the necessary effect of refusing to the internal cultivation such remunerating price as shall ensure its continuance. It is most evident that unless the grower of corn can calculate upon a return which will replace his expenditure, and compensate him for the use of the capital advanced, and the risk incurred, he will cease to cultivate. There may be some difficulty in ascertaining the extent of the protection necessary to ensure internal cultivation. Much must depend upon the quality of the land. The rich soils are of such easy cultivation and abundant produce that they might (oppressed even as they are by charges and taxation) compete with the foreigner in our home markets; but every information which I have collected upon the subject confirms me in the opinion that it is far otherwise with the average lands of England. It is calculating upon a very high average of the land of this country to assume its produce to be equal to twenty bushels of wheat, and thirty-two bushels of barley per acre.—To every statistical and agricultural writer, I appeal as authority for this position. There is no person conversant with agricultural inquiries, who will argue, that wheat grown upon such lands can, in seasons of ordinary produce, be supplied (after the deduction of the tithe) at a less price

than nine shillings per bushel. To those who are not unacquainted with the necessary expences and charges attached to the cultivation of land, this will not appear a high average price. Who can be so uninformed of the present state of this country as to disregard the charges and taxation, to which land is exclusively liable; the support of the poor, the maintenance of the ecclesiastical functionaries, the repair of the parochial churches, and of the public roads, the land tax, and seven and a half per cent. income tax, are all charges exclusively applicable to the land. When I assume that the average land of England cannot be cultivated but under the probability of a remunerating price of seventy-two shillings per quarter of wheat, I by no means intend to state that such must be its minimum price. In seasons of abundant produce the price will naturally fall.—Quantity of produce will in that case compensate for the deficiency of price. If I am correct in the above positions, it remains undeniably proved, that if the foreign grower can, and is allowed, to super-add his surplus to our home produce of corn in our own markets at a price below seventy-two shillings per quarter, the average lands of this country must be thrown out of cultivation. We must, then, depend upon foreign supply, to replace that deficiency which will necessarily arise from the subtraction of the produce of all the land of England which is below the assumed average.

“I now proceed to the consideration of that part of the subject, which I never contemplate without the most painful and unfeigned alarm. No evidence has ever been produced, I have never been fortunate enough to collect any, that the present surplus of foreign produce is by any means equal to replace the produce of those lands which must, as I have proved, be ultimately thrown out of cultivation, under a system of uncontrouled foreign importation. It is possible that by the application of British capital to the soils of Poland and America, those countries may, in common years, yield a supply of bread corn, which shall equal that which, by the operation of wiser measures, might have been produced by our native soil.—But, let me ask, what will be our security; what our certainty of this supply? I do not here allude to national differences, and possible future war.—No; England must cease to con-

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troul those powers upon whom she has made herself dependent for subsistence.—I merely refer to the probable effects of unproductive seasons on the Continents of Europe and America. When the Rulers of those States, upon which we are to depend for the existence of our population, shall be called upon to withhold their produce for the maintenance of their own people, then shall we experience the fatal effects of our prejudice and delusion.—Good God! what will then be the state of our unhappy land! Then will the people of this country vainly call upon those who have misled them, for that supply which they are now taught to reject—then will those theorists who now contend for systems inapplicable to the present state of the world, lament that, to their direful experiments, they have sacrificed the deluded people of this country. Positive famine may not be the early consequence, but difficulty of procuring food, and corresponding high prices, must be the almost immediate effect of our dependence upon the foreigner for subsistence.

“Assuming that there exists no real scarcity in foreign countries, is it possible to imagine, that foreign Governments will remain unobservant of our dependence upon them? Can it be supposed, that they will abstain from levying those contributions upon this country, of which we tender them the ready means? Will they not impose duties upon the export of their corn? But why should I state doubtfully that which is in demonstration before us? In the present moment the Government of France has closed her ports against the exportation of French corn. In the course of the late war, Prussia levied a duty of forty per cent. upon all grain exported to this country.—From such self-evident propositions it appears to me most clearly deducible, that a certain and cheap supply of bread corn can be insured to the consumer by the sole means of our internal produce, checked in price by external supply on the one hand, and enabled to compete with it by protecting duties, or relief from taxation, on the other. It were easy to corroborate this opinion by the evidence of long and unerring experience. I am, however, so anxious to avoid occupying your attention by a re-statement of these facts, which may be seen in every publication upon the subject, that I feel it a duty to resist my inclination to enter into an historical con-

firmation of principles which to me appear incontrovertible.”

STATE OF IRELAND.—The *Dublin Evening Post*, of Saturday last, contains a most elaborate charge of JUDGE FLETCHER to the Grand Jury of the county of Wexford, delivered at the late Summer Assizes, in which that able Judge has given a most interesting picture of the state of Ireland, for the avowed purpose of shewing, that the Coercive Bills, recently passed in Parliament, respecting Ireland, are wholly inapplicable and unnecessary. My limits will not permit me to give this document at full length; but I shall make such extracts from it as appear to me most important. Judge Fletcher denies that the disturbances in that country, of which we have heard so much on this side the water, proceed from disaffection to the Government. He says,—

“In my circuits through other parts of the kingdom, I have seen the lower orders of the people disturbed by many causes, not peculiar to any particular counties—operating with more effect in some; but to a greater or less extent in all.—I have seen them operating with extended effect in the North-West Circuit, in the counties of Mayo, Donegal, Derry, Roscommon, &c. &c. These effects have made a deep impression on my mind. My observations, certainly, have been those of an individual—but of an individual, seeing the same facts coming before him, judicially, time after time,—and I do now publicly state, that never, during the entire period of my judicial experience (comprising sixteen circuits), have I discovered or observed any serious purpose, or settled scheme, of assailing his Majesty's Government, or any conspiracy connected with internal rebels, or foreign foes.—But various, deep-rooted, and neglected causes, producing similar effects throughout this country, have conspired to create the evils, which really and truly do exist.”

He then proceeds to develop these causes. He arranges them under the two general heads—POLITICAL and MORAL. Under the former, he classes, high rents; paper currency; an over active Magistracy; the existence of Orange, and other Societies; large County assessments; and absentee landlords. Under the latter, he puts, exciting discord between Catholic pastors and their flocks; the existence of tithes; County presentment code, and money; hasty decrees on civil bills; and

illicit distillation. With regard to *paper currency*, he states—

“We all know, that the country has been deluged by an enormous paper currency, which has generated a new crime, now prominent upon the list in every calendar—the crime of making and uttering forged bank notes. In every province, we have seen private banks failing, and ruining multitudes; and thus have fresh mischiefs flowed from this paper circulation.”

Respecting an *over active Magistracy*, the charge contains the following pointed remarks:—

“Here let me solicit your particular attention to some of the grievous mischiefs flowing from the misconduct of certain Magistrates.—One is occasioned by an excessive eagerness to crowd the gaols with prisoners, and to swell the calendars with crimes. Hence, the amazing disproportion between the number of the committals and of the convictions, between accusation and evidence, between hasty suspicion and actual guilt.—Committals have been too frequently made out (in other counties) upon light and trivial grounds, without reflecting upon the evil consequences of wresting a peasant (probably innocent) from the bosom of his family—immuring him for weeks or months in a noisome gaol, amongst vicious companions. He is afterwards acquitted, or not prosecuted; and returns a lost man, in health and morals, to his ruined and beggared family. This is a hideous, but common picture. Again, fines and forfeited recognizances are multiplied, through the misconduct of a Magistrate. He binds over a prosecutor, under a heavy recognizance, to attend at a distant Assizes, where, it is probable, that the man's poverty or private necessities must prevent his attending. The man makes default—his recognizance is forfeited—he is committed to the county gaol upon a Green Wax Process—and, after long confinement, he is finally discharged at the Assizes, pursuant to the Statute; and, from an industrious Cottier, he is degraded, from thenceforth, into a beggar and a vagrant.—Other Magistrates presume to make out vague committals, without specifying the day of the offence charged, the place, or any other particular, from which the unfortunate prisoner could have notice to prepare his defence. This suppression is highly indecorous, unfeeling, and unjust—and it deserves, upon every occasion, a severe reprobation of the Magistrate, who thus deprives his fellow-subject of his rightful opportunity of defence.—There are parts of Ireland, where, from the absence of the Gentlemen of the county, a race of Magistrates has sprung up,

who ought never to have borne the King's commission. The vast powers entrusted to those Officers call for an upright, zealous, and conscientious discharge of their duty.”

The dreadful consequences resulting from the existence of *Orange Associations*, are thus emphatically described:—

“Those disturbers of the public peace, who assume the name of Orange Yeomen, frequent the fairs and markets, with arms in their hands, under the pretence of self-defence, or of protecting the public peace, but with the lurking view of inviting the attacks from the Ribbon Men—confident, that, armed as they are, they must overcome defenceless opponents, and put them down. Murders have been repeatedly perpetrated upon such occasions; and, though legal prosecutions have ensued, yet, such has been the baneful consequences of those factious Associations, that, under their influence, Petty Juries have declined (upon some occasions) to do their duty. These facts have fallen under my own view. It was sufficient to say—such a man displayed such a colour, to produce an utter disbelief of his testimony; or, when another had stood with his hand at the bar, the display of his party badge has mitigated the murder into manslaughter.”

But of all the political causes attended with pernicious consequences to Ireland, and the continuance of which must for ever prove a bar to her national improvement, that of *Absentee Landlords* seems to be the worst. Their effects are thus described by the learned Judge:—

“Superadded to these mischiefs, are the permanent and occasional Absentee Landlords, residing in another country, not known to their Tenantry, but by their Agents who extract the uttermost penny of the value of the lands. If a lease happens to fall in, they set the farm by public auction to the highest bidder. No gratitude for past services—no preference of the fair offer—no predilection for the ancient tenantry, (be they ever so deserving) but, if the highest price be not acceded to, the depopulation of an entire track of country ensues. What then is the wretched peasant to do? Chaced from the spot, where he had first drawn his breath, where he had first seen the light of Heaven, incapable of procuring any other means of existence. Vexed with those exactions I have enumerated—and harassed by the payment of Tithes—can we be surprised, that a peasant, of unenlightened mind, of uneducated habits, should rush upon the perpetration of crimes, followed by the punishment of the rope and the gibbet?

Nothing (as the peasantry imagine) remains for them, thus harassed and thus destitute, but with strong hand to deter the stranger from intruding upon their farms; and to extort from the weakness and terrors of their Landlords, (from whose gratitude or good feelings they have failed to win it) a kind of preference for their ancient tenantry."

Among the *moral* causes of depravity in Ireland, that of *Illicit Distillation* may be considered the most prominent. On this part of the subject Judge Fletcher observes:—

"From this source, a dreadful torrent of evils and crimes has flowed upon our land.—The excessive increase of rents had induced many persons to bid rents for their farms, which they knew they could not fairly or properly discharge—but they flattered themselves, that, in the course of years, the value of those farms would rise still higher, and that thus they might ultimately acquire beneficial interests. In the mean time, they have had recourse to illicit distillation, as the means of making good their rents. Hence the public revenue has been defrauded to the amount of millions.—Nay, it is a fact, that at one period, not far back, there was not a single licensed distillery in an entire province—namely, the North West Circuit, where the consumption of spirituous liquors is, perhaps, called for by the coldness and humidity of the climate. The old powers of the law having proved unavailing, the Legislature was compelled to enact new laws, which, though clashing with the very first principles of evidence under our happy Constitution, were yet called for by the exigency of the times—laws, which qualify a prosecutor to be as a witness in his own cause. If he feared not the consequences of perjury, he gained the suit, and put the money into his pocket. Hence, a kind of bounty was necessarily tendered to false swearing: and we all know the revenue folk are not very remarkable for a scrupulous feeling in such cases.—These oaths were answered again by the oaths of the parties charged, who, in order to avoid the fine, denied the existence of any still upon their lands. Thus have I witnessed trials, where, in my judgment, the Revenue officer, who came to impose the fine, was perjured—the witnesses who came to avert it, perjured—and the Petty Jury, who tried the cause, perjured, for they declined to do their duty, because they were, or might be interested in the event; or because the easy procurement of those illicit spirits produced an increased consumption of grain for their benefit. The resident gentry of the country generally winked with both their eyes at this practice, and why?—because it brought home to the doors of

their tenantry a market for their corn; and consequently increased the rents of their lands—besides they were themselves consumers of those liquors, and in every town and village there was an unlicensed house for retailing them.—This consumption of spirits produced such pernicious effects, that at length the Executive Powers deemed it high time to put an end to the system.—The consequence was, that the people, rendered ferocious by the use of those liquors, and accustomed to lawless habits, resorted to force, resisted the laws, opposed the military, and hence have resulted riots, assaults, and murders."

As to *Tithes*, the charge contains the following judicious remarks:—

"They are generally complained of as a great grievance. In the times in which we live, they are a tax upon industry, upon enterprise, and upon agricultural skill. Is a man intelligent and industrious—does he, by agriculture, reclaim a track of land, and make it productive of corn, he is visited and harassed by the Tithe Proctor; does his neighbour, through want of inclination or of skill, keep his farm in pasture and unimproved, he is exonerated from the burden of tithes, and from the visitations of any clergy, not belonging to his own church. Far be it from me to say that tithes are not due to the clergy. By the law of the land, they have as good a title to their tithes as any of you have to your estates; and I am convinced, that the clergyman does not, in any instance, exact what he is strictly entitled to. But this mode of assessment has been much complained of; and it is particularly felt in this country, because the Catholic receives no spiritual comfort from his Protestant Rector; he knows him only through the Tithe Proctor, and he has, moreover, his own Pastor to pay. This is the reason why he thinks it a grievance; and I must admit, that although the clergyman does not receive all that he is entitled to, and although it may not be a grievance in another country, yet the tithe system is a painful system for Ireland."

These are the leading causes to which this able and patriotic Judge, and true friend of humanity, attributes the riots and disturbances which are so common in Ireland, and from which he very naturally infers, that the penal laws enacted to suppress these disturbances, under the idea that the parties are seditious and hostile to Government, must become nugatory. Instead of adopting inefficient measures of that nature, he charges the Absentee Landlords, in particular,

"To promote the establishment of Houses of Refuge, Houses of Industry, School-houses, and

set the example, upon their own estates, of building decent cottages, so that the Irish Peasant may have, at least, the comforts of an "English Sow;" for an English farmer would refuse to eat the flesh of a hog, so lodged and fed as an Irish Peasant is.—Are the farms of an English landholder out of lease, or his cottage in a state of dilapidation?—he rebuilds every one of them for his tenants, or he covenants to supply them with materials for the purpose. But how are matters conducted in this country? why, if there is a house likely to fall into ruins, upon an expiring lease, the new rack-rent tenant must rebuild it himself: and can you wonder, if your plantations are visited for the purpose, or if your young trees are turned into plough-handles, spade-handles, or roofs for their cabins? They are more than Egyptian task-masters, who call for bricks without furnishing a supply of straw. Again, I say, that those occasional absentees ought to come home, and not remain abroad, resting upon the local manager, a species of "*locum tenens*" upon the Grand Jury. They should reside upon their estates, and come forward with every possible improvement for the country. I do not propose that you should expect any immediate amendment or public benefit from the plans suggested for the education of the poor. It is in vain to flatter yourselves that you can improve their minds, if you neglect their bodies. Where have you ever heard of a people desirous of education, who had not clothes to cover them, or bread to eat? I have never known that any people, under such circumstances, had any appetite for moral instruction.

"But there is one remedy, that would, in my estimation, more than any other, especially contribute to soothe the minds of the discontented peasantry, and thereby to enable them patiently to suffer the pressure of those barthens, which cannot, under existing circumstances, be effectually removed—I mean the "Equal and Impartial administration of justice;"—of that justice which the rich can pursue, until it be attained; but which, that it may benefit the cottager, should be brought home to his door.—Such an administration of justice would greatly reconcile the lower orders of the people with the Government under which they live; and, at no very distant period, I hope, attach them to the law, by imparting its benefits, and extending its protection to them, in actual and uniform experience."

Referring to the mistaken views entertained by their neighbours, as to the true situation of Ireland, the charge contains the following very striking and apparently well-founded passage:—

"For my part, I am wholly at a loss to conceive how those permanent Absentees can reconcile it to their feelings or their interests to remain silent spectators of such a state of things—or how they can forbear to raise their voices in behalf of their unhappy country, and attempt to open the eyes of our English neighbours; who,

generally speaking, know about as much of the Irish, as they do of the Hindoos.—Does a visitor come to Ireland, to compile a book of travels, what is his course?—He is handed about from one country gentleman to another, all interested in concealing from him the true state of the country; he passes from squire to squire, each rivalling the other in entertaining their guest—and busy in pouring falsehoods into his ears, touching the disturbed state of the country, and the vicious habits of the people.—Such is the crusade of information, upon which the English traveller sets forward; and he returns to his own country with all his unfortunate prejudices doubled and confirmed—in a kind of moral despair of the welfare of such a wicked race, having made his mind that nothing ought to be done for this lawless and degraded country. And, indeed, such an extravagant excess have those intolerant opinions of the state of Ireland attained, that I shall not be surprised to hear of some political projector coming forward and renovating the obsolete ignorance and the prejudices of a Harrington, who, in his Oceana, calls the people of Ireland an untameable race; declaring that they ought to be exterminated, and the country colonized by Jews; that thus the state of this Island would be bettered, and the commerce of England extended and improved."

The motives which influenced this upright Judge, to deliver his sentiments so fully on this occasion, are pretty clearly expressed in the following concluding paragraphs:—

"Gentlemen, I have had a long professional experience of the state of this country, travelling two Circuits every year—and I have spoken the result of my professional observations and judicial knowledge—perhaps the sincerity with which I have put forward these observations may excite some displeasure. But I hope they may do some good, and I am pretty indifferent whether they are found disagreeable or not—living a great part of my life in the hurry of professional pursuits, I have employed the moments of my leisure in literary retirement. Attached to no party, I have never mixed with the zealots of either—I have been assailed and calumniated by both. Such is the lot of the man, endeavouring to do his duty with firmness and sincerity."

"Gentlemen, if you should feel that any of these observations are founded in truth and reason, you will give me at least the credit of upright motives for those, from which you may differ. I can have no other motive, indeed, than a hope of doing some public good, by inciting other persons to useful and meritorious actions. Other Judges have very frequently, and with great propriety, charged various Grand Juries upon the general state of this country, its disturbances, and the cause of its commotion—and some of them have ascribed those disturbances and commotions to a general spirit of disaffection and sedition. If I have a very different and far more consolatory view of the same subject, it cannot be improper or unbecoming my functions, to take the like opportunity of stating my judicial opinions, of enumerating the several causes which, in my fixed judgment, have generated those disturbances, and have retarded peace and prosperity in this country—and distinctly pointing out the remedies and correctives proper for terminating all those mischiefs, and allaying all discontents. These considerations will, I trust, vindicate as well the motives as the propriety of my conduct in this respect, through every scrutiny, and against every cavil."